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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY [signature] DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,	)	Magistrate Docket No. '08 MJ 2403
v.	)	**COMPLAINT FOR VIOLATION OF:**
Jose GARCIA-Reyes, Defendant	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 1, 2008** within the Southern District of California, defendant, **Jose GARCIA-Reyes,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[signature]
SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **4th** DAY OF **AUGUST 2008.**

[signature]
Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

8/1/08

CFN

CONTINUATION OF COMPLAINT:
Jose GARCIA-Reyes

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On August 1, 2008, at approximately 2:00 AM, Border Patrol Agent C. A. Cooper responded to a seismic sensor activation in an area known as the 33 Draw. This landmark is located approximately four miles west of the San Ysidro, California Port of Entry and about three hundred yards north of the United States/Mexico international boundary. After a brief search, Agent Cooper discovered three individuals hiding in some brush. Agent Cooper identified himself as a United States Border Patrol Agent and asked all three to state their country of citizenship. All three, including one later identified as the defendant **Jose GARCIA-Reyes**, claimed to be citizens of Mexico with no legal documents allowing them to enter or remain in the United States. Agent Cooper arrested GARCIA and the other two individuals and arranged for their transport to the Imperial Beach Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 30, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on August 2, 2008 at 10:00 am.

Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **August 1, 2008**, in violation of Title 8, United States Code, Section 1326.

Anthony J. Battaglia
United States Magistrate Judge

8/2/08 11:40am
Date/Time